

REMARKS

In this paper amendments are presented to claims 1, and 10 - 15; claims 16 - 25 are canceled without prejudice; and no new claims have been added. Support for these amendments is found throughout the originally submitted specification and claims. Claims 1 - 15 remain pending, and no new matter has been added.

Applicants note they have taken the opportunity to correct a typographical error in claims 11-15. Claims 11-15 were originally listed as being dependent upon claim 9, applicants have amended the claims to depend from the correct claim, independent claim 10.

Claim Rejections - 35 USC § 101

Claims 1-15 are rejected under 35 USC § 101 because the examiner contends the claimed invention is directed to non-statutory subject matter. Specifically, it is alleged that two statutory classes are being claimed; those classes defined as (1) an apparatus and (2) a process of using an apparatus. Applicants traverse these rejections.

Applicants respectfully contend that the claims as originally submitted are drawn to only one statutory class, namely, a process of using an apparatus. Applicants assert that while the claim language may reference an apparatus, such a reference does not serve to claim a second statutory class of invention and is merely nominative. Applicants, however, have taken the opportunity to clarify the claim language and have amended independent claims 1 and 10 to be more clearly directed toward a process of using an apparatus. Therefore, applicants respectfully request withdrawal of the examiner's rejections based on 35 U.S.C. § 101.

Claim Rejections – 35 USC § 112

Claims 1-15 are rejected under 35 USC § 112, second paragraph, as being confusing, allegedly because the claims recite both an apparatus and a process of using an apparatus.

Applicants respectfully assert, once again, that claims 1-15 do not claim two statutory classes of invention. Applicants contend that any reference to an apparatus was merely nominative. Applicants note, however, that independent claims 1 and 10 have been amended to be more clearly directed toward only one statutory class of invention. Therefore, applicants respectfully request withdrawal of the examiner's rejections based on 35 U.S.C. § 112.

Conclusion

Applicants respectfully submit that the claims 1-15 are presented in allowable form. Accordingly, a Notice of Allowance is respectfully requested.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 796-2437.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,
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